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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Stipulation Withdrawing Morris Massry's
Responses to Objections by the USACM
Trust; Vacating Settlement Conference
and Status Conference; and Sustaining
Objections re Morris Massry Proof of
Claim**

Settlement Conference: Dec. 13, 2011
Time: 1:30 p.m.

Status Conference: December 19, 2011:
Time 9:30 a.m.

The USACM Liquidating Trust, by and through its counsel, and Morris Massry, by and through his counsel, respectfully stipulate and agree as follows:

1. Morris Massry withdraws the responses as indicated below to the following objections:

The Tenth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Placer I Loan [DE 8449], Massry response [DE 8669];

The Sixth Omnibus Objection of USACM Trust to Proofs of Claim Based in Whole or In part Upon Investment in the Tapia Ranch Loan [DE 8527], Massry response [DE 8529];

1 The Sixth Omnibus objection of USACM Trust to Proofs of Claim
2 Based In Whole or In Part Upon Investment in The Palm Harbor One
3 Loan [DE 8598], Massry response [DE 8950];

4 The Ninth Omnibus Objection of USACM Trust to Proofs of Claim
5 Based In Whole Or In Part Upon Investment in the 6425 Gess Loan [DE
6 8638]; Massry response [DE 8951]; and

7 The Fourth Omnibus Objection of USACM Trust to Proofs of Claim
8 Based In Part Upon Investment in the Binford Medical Developers
9 Loan [DE 8857], Massry response [DE 9138].

10 2. The USACM Liquidating Trust's objections to Morris Massry proof of
11 claim 10725-01898 on the following loans in the following amounts may be
12 sustained: Placer I \$101,527.78; Tapia Ranch \$203,055.56; Palm Harbor
13 \$101,466.67; and 6425 Gess \$202,933.33

14 3. The USACM Liquidating Trust's objection to Morris Massry proof of
15 claim 10725-01898 on the Binford Medical Developers in the amount of
16 \$101,466.67 shall be sustained such that the claim is 15% allowed (\$15,220.00)
17 and 85% disallowed (\$85,246.66).

18 4, The Settlement Conference set for before Hon. Herb Ross for
19 December 13, 2011 at 1:30 p.m. shall be vacated.

20 5. The Status Conference set for December 19, 2011 at 9:30 a.m. shall
21 be vacated.

22 STIPULATED AND AGREED TO:

23 s/ Erika C. Browne

24 Erika C. Browne
25 Segel, Goldman, Mazzota & Siegel, P.C.
26 9. Washington Square
Albany, New York 12205
E-mail: ebrowne@sgmalbany.com
Attorney for Morris Massry

1 STIPULATED AND AGREED TO AND PREPARED AND RESPECTFULLY
2 SUBMITTED BY:

3 **LEWIS AND ROCA LLP**

4
5 By /s/ John Hinderaker
6 Robert M. Charles, Jr.
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